

Docket No.: SANZ-253

REMARKS

Entry of this amendment and reconsideration of this application, as amended, are respectfully requested.

Claims 1-7, 9-15 and 17-18 were rejected under 35 U.S.C. §103 for allegedly being unpatentable over Morrison, Lehan and Hughes. Claims 8 and 16 were rejected under the same statute over the foregoing combination in view of Tsukasa. Applicants respectfully traverse.

Morrison does not disclose the shape of the plasma tube and magnets moving over the target, but according to the Examiner a person of skill in the art would use the plasma racetrack taught in Lehan as the plasma tube in Morrison in order to gain the advantages of reduced erosion of the end portions of the target while not reducing the magnetic field and thus maintaining magnetron efficiency.

It is respectfully submitted that Lehan, however, does not refer to a planar but to a rotatable magnetron (as set forth in, e.g., the abstract). A rotatable magnetron has a completely different construction and thus has different characteristics. The plasma racetracks and the values "W<sub>L</sub>" and "D<sub>p</sub>", therefore, only refer to a tubular magnetron.

Claims 1 and 2 describe relative movement between target and magnet systems, having at least one inner magnet and at least one outer magnet. Such a system is not disclosed or suggested by Lehan. This is important, however, because the terms B, d, W and C are only obtained by this system. The plasma tube is thereby arranged around the inner magnet 4 (see Fig. 1 of the present application), not around a magnet portion 32 of a cylindrical magnetron 30 (see Fig. 3 of Lehan). Thus, because Lehan refers to a cylindrical magnetron, a person of skill in the art would not combine Lehan and Morrison as alleged by the Examiner.

The Examiner also combines Morrison with Hughes, but does so in a piecemeal fashion; claim 1 cannot be divided into several parts. In claim 1 the magnet system has a special

55160337.2

6

Docket No.: SANZ-253

construction. Therefore, certain conditions are fulfilled. This condition in claim 1 is  $B \leq d$  in claim 1, and in claim 2 the condition is  $B \leq 2d$ .

Although Hughes discloses a planar target, the conditions of claims 1 and 2, i.e., is  $B \leq d$  in claim 1, and in  $B \leq 2d$  in claim 2, are not fulfilled. Thus, Hughes refers to a different magnet system.

Since each and every feature of the presently claimed invention is not taught or suggested by the cited references, either alone or in combination, the Examiner has failed to establish a *prima facie* case of obviousness. Thus rejections, must, therefore, be withdrawn.

Furthermore, it is reiterated that the Examiner's reasoning is based on impermissible hindsight. Although a combination of a plurality of documents is in principle allowable, it has to be obvious from the state of art cited that these documents include a motivation for a person skilled in the art to combine these documents. (In re Fout, 675 F. 2d 297, 213 USPQ 532 (CCPA 1982).

Also, "[it] is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art". (In re Hedges, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986); also In re Wesslau 353 F.2d 238, p. 241, 147 USPQ 391, p. 393 (CCPA 1965)).

All dependent claims are also believed to be allowable for at least the reasons set forth above.

In view of the foregoing, allowance is respectfully requested.

55160537.2

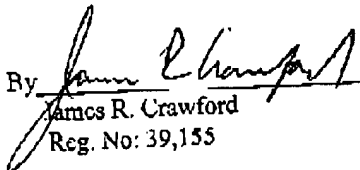
7

Docket No.: SANZ-253

Any fees due for entry of this amendment, or to otherwise maintain pendency of this application may be charged to deposit account no: 50-0624.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

By   
James R. Crawford  
Reg. No: 39,155

666 Fifth Avenue  
New York, New York 10103  
(212) 318-3148

35100537.2

8